

NO. 5:13-HC-2112-FL

$$\begin{array}{c} ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \end{array}$$

of North Carolina by claiming membership in the “Moorish-American” nation. See, e.g., United States v. James, 328 F.3d 953, 954 (7th Cir. 2003) (“Laws of the United States apply to all persons within its borders.”); Allah El v. Dist. Att’y for Bronx County, No. 09-Civ. 8746, 2009 WL 3756331, \*1 (S.D.N.Y. Nov. 4, 2009) (“Petitioner’s purported status as a Moorish-American citizen does not enable him to violate state and federal laws without consequence.”) The court further finds that petitioner’s claims are frivolous because they are merely “fanciful” and so wholly irrational as to lack any basis in fact. Denton v. Hernandez, 504 U.S. 25, 32-33 (1992) (citing Neitzke v. Williams, 490 U.S. 319, 328 (1989)). Based upon the foregoing, the court finds that petitioner has failed to state a claim.

For the foregoing reasons, petitioner’s action is DISMISSED without prejudice for failure to state a claim. The certificate of appealability is DENIED. See 28 U.S.C. §2253. All pending motions are DENIED as moot.

SO ORDERED, this 16th day of October, 2013.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

LOUISE W. FLANAGAN  
United States District Judge